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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,277	12/28/1999	HIROSHI KOIKE	500-38037XOO	9791

20457 7590 09/07/2004

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EXAMINER	
WORJLOH, JALATEE	
ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/473,277	KOIKE ET AL.
	Examiner	Art Unit
	Jalatee Worjloh	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22,24,26,29 and 32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22,24,26,29 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/27/2004 has been entered.

Claim Rejections - 35 USC § 112

2. Claim 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 22 recites the limitation "center database center" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 22, 26, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6055314 to Spies et al. in view of US Patent No. 5920701 to Miller et al.

Referring to claims 22, 29 and 32, Spies et al. disclose instructing, by said content database center (i.e. "video content provider"), distribution of said digital contents to each of said stores, i.e. video merchant's location (see col. 5, lines 10-15 and 25-29), and selling, by said vending device, at each of said stores, a particular digital content selected by a customer from said distributed digital contents (see col. 5, lines 56-59). As for the step of selecting, by said vending device, digital contents corresponding to each of a plurality of stores selling said digital contents, when said selected digital contents is not saved in said stores, this is an inherent step. Notice, Spies et al. indicates that the content provider gives the video merchant the ability to sell a specific piece of video content" (see col. 5, lines 11-13), which implies that specific content corresponding to each of a plurality of stores selling said digital content was selected. However, Spies et al. do not expressly disclose generating, by said content database center, a distribution schedule for controlling distribution of said digital contents corresponding to said stores or distributing the contents to each of said stores according to said distribution schedule. Miller et al. disclose generating a distribution schedule by a scheduler and transmitting content according to the distribution schedule (see col. 1, lines 66-67 & col. 2, lines 1-7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the database center of Spies et al. to include a scheduler/database center that generates a distribution schedule for controlling distribution of said digital contents corresponding to said store and for distributing digital contents to each of said stores according to said distribution schedule. One of ordinary skill in the art would have been motivated to do this because it provides a content

delivery system that is convenient for consumers to use (see Spies col. 2, lines 20-22) and accurately organizes the transfer of digital data.

Referring to claim 26, Spies et al. disclose instructing distribution of said digital contents to each of said stores, i.e. video merchant's location (see col. 5, lines 10-15 and 25-29), and a sales section (i.e. video merchant unit) for selling, at each of said stores, a particular digital content selected by a customer from said distributed digital contents (see col. 5, lines 56-59). As for a distribution control section for selecting digital contents corresponding to each of a plurality of stores selling said digital contents, when said selected digital contents is not saved in said stores, this is an inherent component. Notice, Spies et al. indicates that the content provider gives the video merchant the ability to sell a specific piece of video content" (see col. 5, lines 11-13), which implies that specific content corresponding to each of a plurality of stores selling said digital content was selected. However, Spies et al. do not expressly disclose a distribution control section for generating a distribution schedule for controlling distribution of said digital contents corresponding to said stores or distributing the contents to each of said stores according to said distribution schedule. Miller et al. disclose generating a distribution schedule by a scheduler and transmitting content according to the distribution schedule (see col. 1, lines 66-67 & col. 2, lines 1-7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the distribution control section of Spies et al. to include a scheduler/database center that generates a distribution schedule for controlling distribution of said digital contents corresponding to said store and for distributing digital contents to each of said stores according to said distribution schedule. One of ordinary skill in the art would have been motivated to do this because it provides a content delivery system that is convenient for

consumers to use (see Spies col. 2, lines 20-22) and accurately organizes the transfer of digital data.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al. and Miller et al. as applied to claim 22 above, and further in view of US Patent No. 5943422 to Van Wie et al.

Spies et al. disclose selling at each of said stores, a particular digital content selected by a customer from said distributed digital contents (see claim 22 above). Spies et al. do not expressly disclose generating, by a digitizing device, a digital content by digitizing an original content and transmitting, from said digitizing device to a recognition device, a request for confirmation of content of said digital content; executing, by said recognition device, in response to said request, confirmation of said content of said digital content by determining whether said content of said digital content has been generated without error and transmitting, by said recognition device, a message indicating whether said content is to be recognized based on said determination; and receiving, by said digitizing device, said message and accumulating said content of said digital content if said content of said content has been recognized. Van Wie et al. disclose generating, by a digitizing device, a digital content by digitizing an original content and determining whether said content of said digital content has been generated without error (see col. 11, lines 3-5; col. 39, lines 14-22) and receiving, by said digitizing device, said message and accumulating said content of said digital content if said content of said content has been recognized (see col. 39, lines 31-33). As per the step of transmitting, from said digitalizing

device to a recognition device, a request for confirmation of content of said digital content and transmitting by said recognition device, a message indicating whether said content is to be recognized based on said determination, these are inherent steps. Before determining whether said content of said digital content has been generated without error, a request must have been received. Also, the process of submitted a message after the determining step is a conventional process; that is, when a confirmation request is received a response is required. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Spies et al. to include the steps of generating, by a digitizing device, a digital content by digitizing an original content and transmitting, from said digitizing device to a recognition device, a request for confirmation of content of said digital content; executing, by said recognition device, in response to said request, confirmation of said content of said digital content by determining whether said content of said digital content has been generated without error and transmitting, by said recognition device, a message indicating whether said content is to be recognized based on said determination; and receiving, by said digitizing device, said message and accumulating said content of said digital content if said content of said content has been recognized. One of ordinary skill in the art would have been motivated to do this because it provides a content delivery system that is convenient for consumers to use (see Spies col. 2, lines 20-22) and accurately organizes the transfer of digital data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

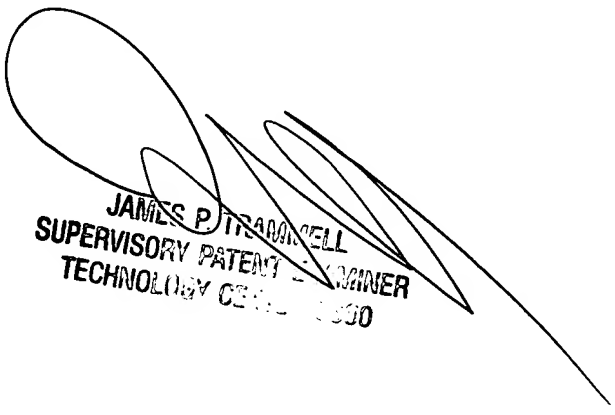
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306, 703-746-9443 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
PO Box 1450
Alexandria, VA 22313-1450

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, V.A., Seventh floor receptionist.



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August 25, 2004